

List of Questions from AC Chat of WG Face-to-Face Meeting at ICANN 59 in Johannesburg – 29 June 2017

Sunrise Registrations:

- In the Preamble, who is being identified as "registrants"? Do we intend to refer to Applicants?
- **General** - For consistency between the Sunrise subteam document and TM Claims subteam documents, perhaps ICANN staff could propose/highlight requisite standardization in use of terms such as 'registrants' vs 'applicants'.
- **Q3** - Should we also be asking whether the list of TMs in the TMCH been used in an abusive way to create premium name lists in some registries?
- **Q3** - Is differential pricing between sunrise & open registrations impacting registrations?
- **Comment on Q3** - from the point of trademark owner sunrise period should not be more expensive
- **Comment - URS** process would be good way to challenge those who register "trademark domains" but it does not bring the domain to one who should own it... need some changes or otherwise it is must to go through **UDRP**
- **Q5(b)**, where the term "original recommendation" is used -- the original recommendation of what body?
- For consideration: Q.8 - Whether other lawful rights in some jurisdictions like family names or non-registered used in trade marks were precluded from getting priority
- For consideration: Q.9 - Not only classes of goods, but also mark jurisdictions for GeoTLDs
- For consideration: Q.11 - Whether IDN matching followed LGRs, technical standards and security advice. (Context: SSAC still thinks TMCH is doing this right) - Correction: SSAC thinks TMCH is not doing this right
- the definition for Premium Pricing seems slightly oddly worded - it is still defined as "second level domain names that ..." Shouldn't it more simply be "Higher prices charged for premium names."?

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Trademark Claims:

- **Q2**: Can we add the following question? "Should the proof of use requirements for sunrise names be extended to all TMCH names i.e. for the issuance of TMCH notices? The reason being some jurisdictions allow TMs for which there are no underlying goods and services to protect
- Q4 claims clarifications about semantics & historical data & spam rate and near 100% potential rate of claims

General:

- All trademark regimes I am aware of require underlying goods or services. A trademark serves to identify the source or origin of those goods and services. What regime(s) are you thinking of?

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Going back to Question 2 please can we add the following question? “Should the proof of use requirements for sunrise names be extended to all TMCH names i.e. for the issuance of TMCH notices? The reason being some jurisdictions allow the registration of marks for which there are no underlying goods and services to protect.